



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

June 17, 2007

Allen J. Danzig  
Associate General Counsel, Environmental  
Sherwin-Williams  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115

Re: 02-RIN-01198-06

Dear Mr. Danzig:

I am writing in response to your June 30, 2006, Freedom of Information Act (FOIA) request for information regarding the Sherwin-Williams/Hilliards Creek site in Gibbsboro, New Jersey. In your FOIA you requested "all documents, correspondence, and data relied on or reviewed by EPA in proposing to list the site and all other information relating to EPA's proposal to place the site on the National Priorities List." Your FOIA specifically referenced memoranda and correspondence between the HRS Contractor and Region II, and correspondence between EPA Region II and EPA Headquarters.

Sherwin-Williams has already been provided all public documentation supporting the proposal of the Sherwin-Williams/Hilliards Creek site to the NPL. All other documents related to your request are predecisional and deliberative; therefore, EPA is denying your request pursuant to the exemption from disclosure provisions of FOIA, 5 U.S.C. § 552 (b)(5). An itemized list of the records which are being withheld under this denial is attached.

You may appeal this denial by submitting a written appeal to the Freedom of Information Operations Officer, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460, within 30 days of receipt of the denial. Your appeal should contain a reference to the request, the identification (RIN) number listed above, and the date of this determination.

Sincerely,

A handwritten signature in black ink, appearing to read "George Pavlou".

George Pavlou, Director  
Emergency and Remedial Response Division

Attachment

327419



September 19, 2006

Mr. Allen J. Danzig  
Associate General Counsel, Environmental  
Sherwin-Williams  
101 Prospect Avenue, N.W.  
Cleveland, OH 44115

Re: 02-RIN-01198-06

Dear Mr. Danzig:

I am writing in response to your June 30, 2006, Freedom of Information Act (FOIA) request for information regarding the Sherwin-Williams/Hilliards Creek site in Gibbsboro, New Jersey. In your FOIA you requested "all documents, correspondence, and data relied on or reviewed by EPA in proposing to list the site and all other information relating to EPA's proposal to place the site on the National Priorities List." Your FOIA specifically referenced memoranda and correspondence between the HRS Contractor and Region II, and correspondence between EPA Region II and EPA Headquarters.

Sherwin-Williams has already been provided all public documentation supporting the proposal of the Sherwin-Williams/Hilliards Creek site to the NPL. All other documents related to your request are predecisional and deliberative; therefore, EPA is denying your request pursuant to the exemption from disclosure provisions of FOIA, 5 U.S.C. § 552 (b)(5). An itemized list of the records which are being withheld under this denial is attached.

You may appeal this denial by submitting a written appeal to the Freedom of Information Operations Officer, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460, within 30 days of receipt of the denial. Your appeal should contain a reference to the request, the identification (RIN) number listed above, and the date of this determination.

Sincerely,

George Pavlou, Director  
Emergency and Remedial Response Division

bcc: Dennis Munhall, ERRD:SPB: PRS  
Terry Jeng, OSWER:OSRTI:SSTIB

CONCURRENCES								
Name:	D. MUNHALL		Init:	AR		Date:	09/19/06	
Filename:	sherwinresponseltr.doc							
Symbol	ERRD/SPB/PRS	ERRD/SPB/PRS	ERRD/SPB	ERRD/D				
Surname	MUNHALL	HAUPTMAN	VAUGHN	PAVLOU				
Date	9/19/06	9/19/06	9/19/06	9/19/06				

1. HRS Teleconference Record for Sherwin-Williams/Hilliards Creek site, dated October 11, 2005.
2. Quality Assurance (QA) Review Letter for Source Characterization Section of Sherwin-Williams/Hilliards Creek HRS package, dated November 1, 2005.
3. HRS Teleconference Record for Sherwin-Williams/Hilliards Creek site, dated November 8, 2005.
4. QA Review Letter for Surface Water Overland Flow/Flood Migration Section of Sherwin-Williams/Hilliards Creek HRS package, dated November 18, 2005.
5. QA Review Letter for Ground Water to Surface Water Section of Sherwin-Williams/Hilliards Creek HRS package, dated November 18, 2005.
6. Revised draft HRS package, dated March 2, 2006.
7. Revised draft HRS package, dated March 17, 2006.
8. HRS Teleconference Record for Sherwin-Williams/Hilliards Creek site, dated March 22, 2006.
9. Final QA Review Letter for Sherwin-Williams/Hilliards Creek HRS package dated March 30, 2006.

**SHERWIN-WILLIAMS.****LEGAL DEPARTMENT**Phone: 216-566-2000  
Fax: 216/515-4400 or 216/566-1708

June 30, 2006

Dennis Munhall, NPL Coordinator  
Emergency and Remedial Response Division  
United States Environmental Protection Agency  
Region 2  
290 Broadway  
New York, NY 10007-1866

Re: 02-RIN-01198-06 (Sherwin-Williams/Hilliard's Creek Site)

Dear Mr. Munhall:

This letter is in response to your letter of June 15, 2006. The EPA letter states in part that "In your [April 21, 2006] FOIA you requested all information that EPA relied upon to support the proposal to place the site on the National Priorities List, and that Sherwin-Williams was provided such information by receipt of the HRS Documentation Record." We appreciate EPA's help in receiving the HRS package.

The April 21, 2006 FOIA letter also requested "(2) all documents, correspondence, and data relied on or reviewed by EPA in proposing to list the site; and (3) all other information relating to the EPA's proposal to place the site on the National Priorities List (emphasis added)." It is not clear whether the EPA response includes all information in EPA Regional or Headquarters files requested in requests (2) and (3), including information reviewed by EPA, such as EPA memoranda, correspondence between the HRS Contractor and EPA Region II, and correspondence between EPA Region II and EPA Headquarters, or other reports, data or information which otherwise related to the NPL proposal.

In view of the scope of the information requests, please advise if further documents are responsive or confirm that all information has been received in response to the FOIA request. To the extent EPA believes that responsive documents may be exempt from disclosure, please identify such documents.

**SHERWIN-WILLIAMS.**

---

Dennis Munhall, NPL Coordinator

June 30, 2006

Page 2

Please call me if you have any questions. Thank you for your assistance.

Very truly yours,

Allen J. Danzig

Associate General Counsel, Environmental

Phone: (216) 566-2482

Fax: (216) 515-4400

E-mail: [allen.j.danzig@sherwin.com](mailto:allen.j.danzig@sherwin.com)

AJD/ss